

DOVER CODE
TREES AND VEGETATION
CHAPTER 163
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163-1. Purpose.

The purpose of this chapter is to enact provisions to protect and enhance the administrative procedures with regard to the planting of or removal of vegetation within the City of Dover.

163-2. Definitions.

The following words, phrases and terms shall have the meaning ascribed herein, unless the content otherwise indicates.

City Arborist or Arborist : the authorized person employed or appointed by the city of Dover to oversee all related tree and vegetation issues.

Park: means all public parks owned by the city.

Property owner: means the person owning such property as shown by the city's assessor's plats.

Public places: shall include all street, highways, parks, cemeteries or other grounds owned by the city.

Public trees: shall include shade, ornamental and forest trees or shrubs now or hereafter growing on any street, park, cemetery, or public place.

Street or Highway: means the entire width of every public way or right-of-way when any part thereof is open to the use of the public as a matter of right for purpose of vehicular or pedestrian traffic.

Vegetation: plant life collectively.

Spraying: the application of pesticides, herbicides or any material used in plant care also to include any granular material for such uses.

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163-3. Authority of the city arborist.

1. The city arborist shall have the authority to regulate the planting, maintenance, preservation, spraying and removal of trees and shrubs in all public places for the benefit and the welfare of the public and to protect and preserve the symmetry and beauty of such trees and public places.
2. The city arborist shall have the authority to order the trimming, spraying, preservation or removal of trees or plants upon private property when he shall find such action necessary to public safety or to prevent the spread of disease or insects to public trees and places. The cost of such work may be billed to the property owner.

163-4. Permits required.

1. No person shall plant, spray, fertilize, prune, remove, cut or otherwise disturb above or below the ground any tree on any street, park or public place without first filling an application and procuring a permit from the city arborist.
2. No person shall apply pesticides, herbicides on a for hire basis without first filling an application and procuring a permit from the city arborist.

163-5. Standards for issuance of permits; notice of completion.

1. The city arborist shall issue such a permit if, in his or her judgment, the proposed work is desirable and the proposed method and workmanship thereof are in accordance with reasonable arboricultural specifications and standards of practice.
2. Any permit granted shall contain a definite date of expiration and the work shall be completed in the time allowed on the permit and the manner as therein described. Any permit shall be void if it's terms are violated.
3. Notice of completion shall be given within five (5) days thereof to the city arborist for his or her inspection. Notice of completion may be waived on the discretion of the arborist.

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4. In order to obtain a permit the person filling must provide a certificate of insurance, professional licenses or certificates and information of were said work will be done. Pesticide applicators must provide a state of New Hampshire Pesticide Applicators certificate.

163-6. Obstruction trees pruned.

1. Generally, it shall be the duty of any person owning or occupying real property upon which there may be trees or plants bordering on any street, to prune such trees or plants in such a manner that they will not obstruct or shade the street lights, obstruct the passage of pedestrians or sidewalks, obstruct vision of traffic signs, obstruct the view of any street or alley intersection, or will not create any other hazard to the public. The minimum clearance of any overhanging portion thereof shall be ten (10) feet over sidewalks and twelve (12) feet over all streets except truck thoroughfares which shall be sixteen (16) feet.
2. Notice to prune or remove: Should any person owning real property bordering on any street fail to prune trees as hereinabove mentioned provided, the city arborist shall order such person, within ten (10) days after receipt of written notice to prune or remove such trees.
3. Order required. The order required herein shall be served by mailing a copy of the order to the last known address of the property owner by certified mail, return receipt requested.
4. Failure to comply. When a person to whom an order is directed shall fail to comply within the specified time, it shall be lawful for the city to prune or remove such trees and all costs thereof shall be charged to the owner thereof.

163-7. Abuse of public trees.

Unless specifically authorized by the city arborist, no person shall damage, prune transplant, or remove any public tree, attach any rope, wire, nails, advertising posters, or any contrivance to any tree, allow any gaseous, liquid or solid substance which is harmful to such trees that come in contact with them, or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any such tree. The city may recover the cost of repair or replacement of such mutilated tree.

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163-8. Improper planting.

Whenever any tree shall be planted improperly in any public place in violation of the provisions hereof, the arborist may remove or cause removal thereof, or may take such other action deemed necessary to rectify such improper planting and the cost thereof may be charged to the owner or planter thereof.

163-9. Necessary removal.

No person or property owner shall remove a tree from any public place for the purpose of construction, or for any other reason, without procuring a permit as required by sections and without replacing the removed tree. such replacement shall meet the standards of size, species, and placement as provided for in the permit issued by the city arborist. The person or property owner shall bear the cost of removal and replacement of all trees removed.

163-10. Protection of trees.

1. All trees on any street or public place near any excavation or construction of any building, structure, or street work, shall be guarded with good substantial fence, frame or box of such reasonable dimensions as required by the city arborist. All building materials unless otherwise approved by the city arborist, or other debris shall be kept outside the barrier. No person shall excavate any ditches, tunnels, trenches or lay any drive within a radius of twenty (20) feet from any public tree without obtaining a permit from the city arborist.
2. No person shall deposit, place or maintain upon any public place, any vehicles, stone, brick, sand, concrete or other materials which may impede the free passage of water, air and fertilizer to the roots of any tree growing therein, except by written permit of the city arborist, except for emergencies.

163-11. Violations and penalties.

Violations of any provision of this chapter shall be subject to a fine of not more than one hundred dollars (\$100.). The violator shall be liable for the cost of restoration of the affected vegetation to a condition which conforms to the provisions of this chapter to the satisfaction of the Community Services Director. If a violator fails to ensure that the abovesaid conformance is accomplished within thirty (30) days of receiving written notification from the City arborist, the restoration shall be accomplished by the city and charged to the violator.

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